

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed April 21, 2004 (i.e., Paper No. 2). Having addressed all objections and grounds of rejection, originally presented claims 1-20, along with newly presented claims 21-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner objected to the title as originally presented. In response thereto, the title has been amended to correspond to that which was recommended by the Examiner.

The specification has been amended above to include the serial number and filing date of a cross-referenced, co-pending, commonly assigned, application.

The Examiner has rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,466,971, issued to Humpleman et al (hereinafter referred to as "Humpleman"). This ground of rejection is respectfully traversed for the reasons provided below.

The standard for the finding of anticipation during the examination process may be found in MPEP 2131, which states in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The rejection of claims 1-20 as anticipated by Humpleman is respectfully traversed "each and every element as set forth in the claim[s] is" not "found, either expressly or inherently described" in Humpleman.

The essence of Applicants' invention as disclosed and claimed is a "legacy database management system" coupled to a "user terminal" via a "publicly accessible digital data communication network" (e.g., the Internet) wherein the communication is in the form of "XML messages" which need conversion to the "command language" of the "legacy database management system" to permit honoring of service requests.

Humpleman has no "user terminal"; it has no "legacy database management system"; it has no "publicly accessible digital data communication network" coupling the user terminal to the legacy database management system; and it has no legacy database management system "command language". Humpleman summarizes his disclosure at column 1, lines 28-30, stating:

The present invention relates to the field of network systems, and more particularly, to home network having multiple devices connected thereto. (Emphasis added)

Humpleman expressly disqualifies itself as disclosing the elements of Applicants' claimed invention. Therefore, Humpleman cannot possibly be found to anticipate claims 1-20 under MPEP 2131.

Specifically, as to claim 1, even though MPEP 608.01(m) requires the Examiner to show the preamble limitations within Humpleman, he has not done so. Humpleman has no "legacy data base management system having a command language". Furthermore, Humpleman has no "user terminal". Instead, the Examiner cites column 26, lines 8-14, which makes a parenthetical reference to the Internet, without showing the claimed coupling which is essential to the claimed invention.

Humpleman itself limits its discussion to a privately accessible, home network, rather than the claimed configuration. Column 1, lines 28-30, states:

The present invention relates tot he field of network systems, and more particularly, to home network having multiple devices connected thereto. (Emphasis added)

Clearly, the "home network" of Humpleman does not meet the limitations of the claims.

Because Humpleman does not have the most basic elements of claim 1 (i.e., "user terminal", "legacy database management system having a command language", and "publically accessible digital data communication network" as the coupling network), the reading of Humpleman unto the remainder of the claim makes no

sense. For example, element "c" requires "a facility.....which inserts a call to native script into said service request". In suggesting that Humpleman contains this limitation, the Examiner cites column 29, lines 1-11, which states:

9. The method of claim 1, wherein the application interface description data includes remote procedure call information for the first home device to control the operation of the second home device.
10. The method of claim 1, wherein the application interface description data includes capabilities data for identifying the capabilities of the second device.
11. The method of claim 1, wherein said devices are incapable of displaying user interfaces.
12. The method of claim 1, wherein said application interface description data includes XML format.
(Emphasis added)

It is absolutely baffling that the Examiner would cite this text to "show" the claimed limitation. Not only does it have nothing to do with the claim element for which it has been cited, it specifically disclaims the environment of claim 1. The material cited in column 14, lines 41-67, is even less pertinent. The rejection of claim 1, and all claims depending therefrom, is respectfully traversed for failure to comport with MPEP 2131.

Humpleman has no "native script" of a "legacy database management system". Because it has no "legacy database management system", it has no use for "native script". Yet the Examiner cites Humpleman column 11, lines 40-67, and column 12, lines 34-67, which have nothing to do with support for the rejection of claim 2. Therefore, the rejection of claim 2, and any claim depending therefrom, is respectfully traversed.

Again, because Humpleman has no "native script", it cannot store native script within a "repository" as required by claims 4, 8, and 13. Nevertheless, the Examiner rejects these claims citing column 26, lines 40-67 and column 25, lines 53-62, which say nothing of "native script", "storage of native script", or a repository. The rejection of claims 4, 8, and 13, and claims depending therefrom, is respectfully traversed.

In rejecting claims 5, 10, 15, and 19, the Examiner cites column 26, lines 8-14, to show that Humpleman parenthetically mentions the Internet. However, claims 5, 10, 15, and 19 require that the communication between the user terminal and legacy database management system be via the Internet. Humpleman says nothing of such communication over the Internet. The rejection of claims 5, 10, 15, and 19 is respectfully traversed.

In rejecting claim 6, the Examiner clearly erroneously finds that Humpleman has "a database management system". He cites column 7, lines 1-36 and column 16, lines 36-67. Neither of these extensive citations teaches a database management system. As explained above, Humpleman has not "native script". As a result, Humpleman does not have the claimed combination as required by MPEP 2131. The rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

"Native script" is an ordered sequence of statements, like a computer program, which "program" the claimed legacy database

management system in its "native" command language. This is discussed extensively throughout Applicants' specification and shown in the drawings. Humpleman does not have a "legacy database management system" and therefore does not have "native script". It has no use for "native script". Claims 7 and 14 further limit the "internal format" to this "native script". The rejection of claims 7 and 14, and claims depending therefrom, is respectfully traversed.

Claim 9 is further limited by requiring a response from the "legacy database management system" to the service request received. Humpleman has no "legacy database management system" to produce this "response". The rejection of claim 9, and any claim depending therefrom, is respectfully traversed.

The Examiner repeats his clearly erroneous findings with regard to his rejection of claim 11. Humpleman has no "legacy database management system" and thus has no "native script". As a result, Humpleman, not having the basic structure, cannot perform the claimed method. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed.

Claim 12 depends from claim 11 and further limits the "converting step" to include use of a "Document Type Definition". In making his rejection, the Examiner cites Humpleman column 21, lines 1-20. This citation, though mentioning a "DTD document" says nothing of conversion. Humpleman simply does not anticipate

claim 12 in accordance with MPEP 2131. The rejection of claim 12, and claims depending therefrom, is respectfully traversed.

In rejecting claim 16, the Examiner finds:

a. means for transmitting an XML document via a publically accessible digital data communication network (See column 13, lines 34-67);

The citation refers to Fig. 15 which shows "XML on network".

Though the network is not further defined, it must be assumed that this is the "home network" which is the stated subject matter of the Humpleman disclosure and claims. There certainly is no suggestion in the cited material that there is the claimed "transmitting means". As discussed above, Humpleman has no "legacy database management system" which prevents the reference from meeting the "providing means" of claim element b.

Furthermore, because Humpleman does not have "native script", it cannot make the limitations of claim element d. The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 simply requires that the "providing means" have a "repository". Humpleman does not have this structure. Therefore, the Examiner has confused the issue by citing virtually an entire column of text, which, of course, does not mention a "repository". The rejection of claim 17, and claims depending therefrom, is respectfully traversed.

As discussed above, Humpleman does not have "native script". Therefore, it cannot meet the limitations of claims 18 and 20. The rejections of these claims are respectfully traversed.

Newly presented claims 21-25, though differing somewhat in scope, are deemed to be patentable for similar reasons.

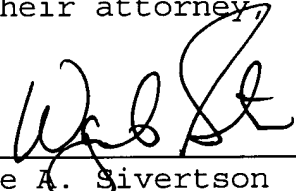
Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Respectfully submitted,

Thomas N. Turba et al.

By their attorney,

Date July 20, 2004


Wayne A. Sivertson
Reg. No. 25,645
Suite 401
Broadway Place East
3433 Broadway Street N.E.
Minneapolis, Minnesota
55413
(612) 331-1464